

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANGELICA JUNIOUS,

Plaintiff,

v.

W. BAKER, et al.,

Defendants.

No. 1:22-cv-03681

Judge Edmond E. Chang

Magistrate Judge Maria Valdez

SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION TO STAY

Defendant Sgt. William Baker (“Sgt. Baker”), by his attorney, Kimberly M. Foxx, State’s Attorney of Cook County, through her Assistant State’s Attorney, Miguel E. Larios, pursuant to this Court’s August 21, 2023 Order (dkt. 106), and for his Supplemental Brief in Support of Defendants’ Motion to Stay (dkt. 104), Sgt. Baker states the following:

1. Sgt. Baker was formerly represented in this matter by Assistant State’s Attorneys James W. O’Connor and Antonio C. Lee from the Civil Actions Bureau of the Cook County State’s Attorney’s Office (the “CCSAO”).

2. On August 14, 2023, Assistant State’s Attorney Miguel E. Larios from the Conflicts Counsel Unit¹ of the CCSAO was assigned to solely represent Sgt. Baker. On that date, ASA Larios filed his appearance for Sgt. Baker only and moved

¹ The Conflicts Counsel Unit is a distinct Unit from the Civil Actions Bureau; it is located on a separate floor and has separate document management. Further, the ASAs from the Conflicts Counsel Unit do not share attorney-client privileged information with the ASAs from the Civil Actions Bureau.

to withdraw the appearances of ASAs O'Connor and Lee, which the Court granted shortly thereafter. (Dkt. 96, 97, 99).

3. On August 18, 2023, Defendants Purcell, Chengary, Rahn, Walz, and Sheriff Dart filed their motion to stay the proceedings pursuant to the abstention doctrine established by *Younger v. Harris*, 401 U.S. 37 (1971). (Dkt. 104). Sgt. Baker later filed a motion to join the motion for a stay. (Dkt. 105).

4. On August 21, 2023, the Court entered an Order finding that “a conflicts inquiry is warranted,” because Defendants Purcell, Chengary, Rahn, Walz, and Sheriff Dart reported in their stay motion that an individual (Steven McKinnie) is being criminally charged in connection with Plaintiff’s claims in this matter, specifically the claim that Plaintiff was sexually assaulted by Steven McKinnie while at Cermak. (Dkt. 106).

5. The Court’s Order also noted that the prosecution in the criminal case is represented by the same Office as the Defendants in this civil case – that is, the CCSAO. (*Id.*).

6. As a result, the Court ordered that Defendants, including Sgt. Baker, “shall file a supplement to the stay motion explaining their position on the potential conflict.” (*Id.*).

7. Sgt. Baker does not have any knowledge with respect to whether Angelica Junious was in fact sexually assaulted by Steven McKinnie. This is true for three reasons.

- a. First, Sgt. Baker did not witness the incident.
- b. Second, there does not appear to be any video footage of the incident which could help confirm or deny the claims.
- c. Third, the issue of whether the sexual assault occurred is not dispositive of the claims against Sgt. Baker.

8. Sgt. Baker's defense does not hinge on whether the sexual assault in fact occurred, but rather whether Sgt. Baker acted objectively reasonable at all times given his knowledge of the underlying facts.

9. As such, Sgt. Baker and the undersigned Conflicts Unit attorney do not believe that there is any conflict with the CCSAO continuing to represent Sgt. Baker.

Dated: August 28, 2023

Respectfully submitted,

KIMBERLY M. FOXX
State's Attorney of Cook County

/s/ Miguel E. Larios
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Counsel for Defendant Sgt. William Baker

CERTIFICATE OF SERVICE

The undersigned certifies that on August 28, 2023, he filed the foregoing document using the CM/ECF e-filing system with the Clerk of the Court for the United States District Court for the Northern District of Illinois, which will notify counsel of record of this electronic filing.

/s/ Miguel E. Larios